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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed January 25, 2006. In the Office Action, the Examiner notes that claims 1-15 are pending of which claims 1-15 stands rejected and claim 2 is objected to. By this response, claims 1, 2, 5, 10 and 12 have been amended. No new matter has been added.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **OBJECTIONS**

#### **IN THE CLAIMS**

Claim 2 is objected to because it recites "said transparency control input" in line 2. The Examiner finds that there is insufficient antecedent basis for this limitation in the claim.

Applicants have amended the limitation to "a transparency control input." Thus, Applicants respectfully request that the objection be withdrawn.

### **REJECTIONS**

#### **35 U.S.C. §103**

##### **Claims 1, 2, 10 and 11**

The Examiner has rejected claims 1, 2, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Butler et al. (US20020007493A1, hereinafter "Butler") in view of Marshall et al. (US005828420A). Applicants respectfully traverse the rejection.

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Independent claims 1 and 10 recite features of Applicants' invention that Applicants considers to be inventive. In particular, independent claim 1 (similarly claim 10) recites:

1. A display generator for a combined display of a graphics image and a television video image, said graphics image being defined by an HTML syntax, said television video image being derived from a real time television signal, said display generator comprising:

a programmed processor responsive to said HTML syntax for parsing, layout and rendering said graphics image to form a rendered graphics image;

a graphics memory for storing said rendered graphics image;

a television video receiver responsive to said real time television signal, said television video receiver having an output forming said television video image;

a controller coupled to said program processor and responsive to user inputs comprising:

transparency controls for adjusting a transparency of individual pixels of said rendered graphics image and said television video image; and

picture-in-graphics (PIG) controls for determining the size and position of the real time television signal; and

a video combiner, responsive to the transparency and PIG controls, said graphics memory and said television video receiver, for combining individual pixels of said rendered graphics image stored in said graphics memory with respective individual pixels of said television video image to form respective individual pixels of said combined display of said graphics image and said television video image,

wherein said rendered graphics image and said television video image are from different sources and the combined display is generated in real time,

wherein the PIG image is positioned as an overlay of the graphics image, the PIG image having a position and size are independent to the graphics image in the background. (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is

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whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added).

Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added).

The present invention includes generating a display by combining a controllable television image on top of a web page background such that when the user moves or scrolls the web page, the television image will stay at the same location on the screen. The television image can be resized as well as lightened to allow the information from the web page to be seen through the television program. This process is provided in real time.

Butler associates a hyperlink (i.e., web page) overlay with a video program. To accomplish this task, the video pixels overwrite the bit-mapped pixels where the areas of display image are a specific color. Because the background of the web page is set to a specific color, the user will be able to view the video program while the hyperlinks appear over the program. As a result, the viewer may click on the link that appears over the video program for more information. This strategy allows the viewer to watch a program which includes hyperlinks or "hot spots."

Butler does not disclose moving a web page that is in the background while the TV program remains in the same location on the screen. Specifically, Butler is silent on "wherein the PIG image is positioned as an overlay on top of the graphics image such that its position and size are independent to the graphics image in the background."

Marshall fails to bridge the substantial gap between Butler and Applicants' invention. In particular, Marshall discloses a system for generating an electronic program guide (EPG) to be displayed with a television video image. Marshall teaches changing the weight of the program guide that is superimposed on the television signal. As disclosed in column 3, lines 33-36, Marshall only teaches establishing weights for the program guide signal. Marshall is silent on controlling the transparency of the television signal as claimed. Moreover,

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Marshall does not teach or suggest moving a web page in the background wherein the television image remains at the same location on the screen. Specifically, Marshall fails to teach or suggest Applicants' feature, "wherein the PIG image is positioned as an overlay of the graphics image, the PIG image having a position and size are independent to the graphics image."

In addition, regarding the Butler reference, it is not inherent that the pixels of the video and image are combined in order to display the overlay. An overlay can be also displayed by replacing the pixels. Therefore, because combining the pixels is not the only way to display the overlay, it is not inherent to the Butler reference.

Thus, Butler and Marshall, singly or in combination, fail to teach or suggest Applicants' claimed invention as a whole.

As such, Applicants submit that independent claims 1 and 10 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Claims 2 and 11 depend directly from claims 1 and 10 and, as such, these dependent claims are also non-obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claims 3 and 4**

The Examiner has rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Butler in view of Marshall as applied to claims 1, 2, 10 and 11 above, and further in view of Lawler et al. (US005907323A, hereinafter "Lawler"). Applicants respectfully traverse the rejection.

Claims 3 and 4 depend from independent claim 1. As such, for at least the reasons discussed above, claims 3 and 4 are patentable under 35 U.S.C. §103 over Butler, Marshall and Lawler.

In addition, the Lawler reference fails to bridge the substantial gap between Butler and Applicants' invention. The Lawler reference merely discloses sizing and positioning of videos within an interface. In particular, the Lawler reference discloses an interactive system user interface images or graphics to be

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displayed along video or broadcast video. (i.e., column 4, line 64 to column 5, line 11).

Lawler does not teach or suggest moving a web page that is in the background while the TV program remains in the same location on the screen. Specifically, Lawler fails to teach or suggest Applicants' feature, "wherein the FIG image is positioned as an overlay of the graphics image, the FIG image having a position and size are independent to the graphics image." Thus, the Butler, Marshall and Lawler references, singly or in combination, fail to teach or suggest Applicants' claimed invention as a whole.

As such, Applicants submits that claims 3 and 4 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### Claims 5, 7, 8 and 12

The Examiner has rejected claims 5, 7, 8 and 12 under 35 U.S.C. §103(a) as being unpatentable over Butler in view of Marshall, Kanungo (US20030056215A1, hereinafter "Kanungo") and Kurita et al. (US005970511A, hereinafter "Kurita"). Applicants respectfully traverse the rejection.

The Butler, Marshall, Kanungo and Kurita references alone or in combination fail to teach or suggest Applicants' invention as a whole.

Independent claims 5 and similarly 12 recite:

5. A display generator for a combined display of a graphics image and a television video image, said graphics image being defined by an HTML syntax including a television video HTML statement defining a television video HTML object, said television video image being derived from a real time television signal, said display generator comprising:

a television video receiver responsive to said real time television signal, said television video receiver having an output forming said television video image;

a programmed processor responsive to said HTML syntax for parsing, layout and rendering said graphics image to form a rendered graphics image,

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a graphics memory for storing said rendered graphics image;

a controller coupled to said program processor and responsive to user inputs comprising:

transparency controls for adjusting a transparency of individual pixels of said rendered graphics image and said television video image; and  
picture-in-graphics (PIG) controls for determining the size and position of the real time television signal; and

a video combiner, responsive to the transparency and PIG controls, said graphics memory and said television video receiver to combine individual pixels of said rendered graphics image stored in said graphics memory with respective individual pixels of said television video image, said video combiner further responsive to said television video HTML statement to position said television video image in said graphics image to form said combined display,

wherein said rendered graphics image and said television video image are from different sources and the combined display is generated in real time,

wherein the PIG image is positioned as an overlay of the graphics image, the PIG image having a position and size independent to the graphics image. (emphasis added.)

As stated above, the Butler reference fails to teach or even suggest "the PIG image is positioned as an overlay of the graphics image, the PIG image having a position and size independent to the graphics image."

The Kanungo and Kurita references do not teach or suggest moving a web page that is in the background while the TV program remains in the same location on the screen as claimed. In particular, the Kanungo reference discloses that applets could be used to generate certain areas on the web page and video data can be displayed in video area [0050]. The Kurita reference discloses HTML standard to call or load a video (See FIG. 7 and FIG. 8, B). The Kanungo and Kurita references fail to disclose or suggest at least Applicants' claimed feature of "the PIG image is positioned as an overlay of the graphics image, the PIG image having a position and size independent to the graphics image."

Therefore, the Butler, Marshall, Kanungo and Kurita references, singly or in combination, fail to teach or suggest Applicants' claimed invention as a whole.

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For at least the reasons discussed above, independent claims 5 and 12 are patentable under 35 U.S.C. §103 over Butler in view of Marshall, Kanungo and Kurita. For at least the same reasons, dependent claims 7-8 which depend directly from independent claims 5 are patentable under 35 U.S.C. §103 over Butler in view of Marshall, Kanungo and Kurita. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **Claims 6 and 13**

The Examiner has rejected claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Butler in view of Marshall, Kanungo, and Kurita as applied to claims 5, 7, 8 and 12 above, and further in view of "WWW-TV URI/URL/URN Usages." Applicants respectfully traverse the rejection.

Claims 6 and 13 depend directly from independent claims 5 and 12 and recite additional limitations thereof. As such, for at least the reasons discussed above, claims 6 and 13 are patentable under 35 U.S.C. §103 over Butler in view of Marshall, Kanungo and Kurita.

Moreover, the "WWW-TV URI/URL/URN Usages" reference fails to bridge the substantial gap between the Butler, Marshall, Kanungo and Kurita references and Applicants' invention. The "WWW-TV URI/URL/URN reference" discloses a list of ways in which URIs, URLs, URNs can be used in a television context. Nowhere in the "WWW-TV URI/URL/URN Usages" reference is there any teaching or suggestion of Applicants' claimed feature of "wherein the FIG image is positioned as an overlay of the graphics image, the FIG image having a position and size independent to the graphics image."

Thus, the Butler, Marshall, Kanungo, Kurita and "WWW-TV URI/URL/URN Usages" references, singly or in combination, fail to teach or suggest Applicants' claimed invention as a whole.

As such Applicants respectfully submit that independent claims 5 and 12 and claims 6 and 13 which depend directly from independent claims 5 and 12 are patentable under 35 U.S.C. §103 over Butler in view of Marshall, Kanungo, Kurita

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and the "WWW-TV URI/URL/URN Usages" reference. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 9, 14, and 15**

The Examiner has rejected claims 9, 14, and 15 under 35 U.S.C. §103(a) as being unpatentable over Butler in view of Marshall, Kanungo and Kurita as applied to claims 5, 7, 8 and 12 above, and further in view of "WWW-TV URI/URL/URN Usages" and HTML 4.01 Specification (hereinafter "HTML 4.01 Specification"). Applicants respectfully traverse the rejection.

The HTML 4.01 Specification has a priority date of 24 December 1999. The present application claims priority to the provisional application no. 60/169,766, filed on 9 December 1999. Because the priority date of the present application is earlier than the HTML 4.01 Specification, the HTML 4.01 Specification is not valid prior art to the present application under 35 U.S.C. §103(a). As admitted by the Examiner, Butler in view of Marshall, Kanungo and Kurita does not disclose the feature of a television video HTML statement including commands (1) and (2) as claimed.

Thus, the Butler, Marshall, Kanungo, Kurita and "WWW-TV URI/URL/URN Usages" references, singly or in combination, fail to teach or suggest Applicants' claimed invention as a whole.

As such Applicants respectfully submit that claims 9, 14 and 15 fail to teach or suggest Applicants' invention as a whole. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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**CONCLUSION**

Thus, Applicants submits that the claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

4/20/06

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